

# **SOCIAL SECURITY ADMINISTRATION DISABILITY BENEFITS**



# TITLE II

- **Commonly referred to as Social Security**
    - Retirement benefits for those age 62 and older;
    - Disability benefits to those who cannot perform substantial work and who meet SSA disability criteria;
    - Dependent benefits to spouses and children of deceased, disabled, or retired workers.
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# **TITLE II DISABILITY REQUIREMENTS**

## **(NOT RELATED TO MEDICAL CRITERIA)**

- **Must have been employed and you and your employer(s) have paid FICA, or you have paid SECA if self-employed.**
- **Workers may earn up to 4 credits per year.**
- **For 2015, a credit is earned income of \$1220 or more in a quarter and for which FICA or SECA has been paid.**
- **Generally speaking, to establish insured status for disability benefits, individuals need at least 20 credits in the past 10 years.**
- **Individuals under age 31 may need fewer credits.**
- **More quarters are needed the older one gets.**

# CREDITS REQUIRED FOR DISABILITY

- **Under age 24:** 6 credits during the three year period ending when the disability began.
- **Age 24 through 30:** Credits for half the period between age 21 and onset of disability.
- **Age 31 and older:** Credits as noted below and must have 20 of these credits in the 10 years prior to onset of disability.

Disabled at Age	Credits Required
31 through 42	20
44	22
46	24
48	26
50	28
52	30
54	32
56	34
58	36
60	38
62 or older	40

# TITLE II/CHILDHOOD DISABILITY BENEFITS

- **Adults with disabilities who do not have sufficient work history may qualify for Title II based on a parent's insured status, if:**
  - **Age 18 or older;**
  - **Disabled per SSA's definition prior to age 22;**
  - **Be a child of an insured worker who is deceased, disabled, or retired. (If an adult child marries, benefits end unless the marriage is to another social security beneficiary).**

# **TITLE II/DISABLED WIDOW(ER) BENEFITS**

**An adult with a disability may draw benefits from a deceased spouse if they are found to be disabled before the end of a certain period prescribed in the law.**

**Benefits are not paid prior to age 50, even if disability onset occurs at an earlier age.**

# TITLE XVI

## **Supplemental Security Income (SSI)**

**Disabled;**

**Blind (20/200 or less in better eye with correction,  
or field of vision less than 20 degrees);**

**65 or older.**

**Countable income must be less than the Federal  
Benefit Rate (for 2015; \$733 for individuals and  
\$1100 for couples).**

**Countable resources less than \$2000 for  
individuals and \$3000 for couples.**

**Benefits are unrelated to work credits.**

# **DISABILITY AS DEFINED BY SSA**

## **Adult Definition of Disability**

**Applies to both Title II and Title XVI**

## **Child (birth through age 17) Definition of Disability**

**Applies to Title XVI only**



# ADULT DEFINITION OF DISABILITY

- “The inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.’
- ‘An individual shall be determined to be under a disability only if his physical or mental impairment or impairments are of such severity that he is not only unable to do his previous work but cannot, considering his age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for work.”

# CHILD DEFINITION OF DISABILITY

- Under Title XVI, a child under age 18 will be considered disabled if he or she has a medically determinable physical or mental impairment or combination of impairments that causes marked and severe functional limitations, and that can be expected to cause death or that has lasted or can be expected to last for a continuous period of not less than 12 months.

# WHAT IS SUBSTANTIAL GAINFUL WORK?

- For 2015, individuals are considered to be doing substantial gainful work if their gross monthly earned income is \$1090 or more.
- For individuals who meet the SSA definition of blind or visually impaired, monthly earned income of \$1820 or more is considered substantial gainful work.
- Applicants under Title XVI, and applicants or beneficiaries under Title II may have Impairment Related Work Expenses or Subsidies that may be used to reduce earnings below the substantial gainful level.
- Per separate statutory definition, individuals who are blind and applying for Title XVI do not need to meet a substantial gainful work test but rather a test to ascertain level of blindness.

# **DISABILITY DETERMINATION SERVICES**

- **DDS is a State agency, fully funded by the Federal Government, which is responsible for the medical determination of whether a claimant is or is not disabled or blind under the law.**
- **After developing the medical evidence, a two-person adjudicative team (the disability examiner and a medical or psychological consultant) makes the determination.**
- **Claimants have appeal rights.**

# **THE SEQUENTIAL EVALUATION PROCESS (AGE 18 AND OLDER)**

- (1) Is the person employed?**
- (2) Is the condition “severe?”**
- (3) Does the condition meet a “listing?”**
- (4) Can the person perform past relevant work?**
- (5) Can this person do any type of work?**

# **STEP 1: IS THE PERSON EMPLOYED?**

**A person that is employed and earning at or above the substantial gainful level cannot generally be considered disabled.**

**If the Person is not employed, or is working and earning less than substantial gainful work, then proceed to step 2.**

## **STEP 2: IS THE CONDITION “SEVERE?”**

**The condition must interfere with basic work related activities for the claim to be considered.**

**If it does not, there is no disability.**

**If there is a severe impairment, proceed to step 3.**

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# **STEP 3: DOES THE CONDITION MEET A “LISTING?”**

**There is a list of medical conditions that are so severe as to automatically mean a person is disabled.**

**For conditions that are not on the list, there must be a determination of equal severity to a medical condition on the list.**

**If a person meets a listing or has a condition that is equal to a listing, disability is allowed.**

**If not, proceed to step 4.**



# **STEP 4:**

## **CAN THE PERSON PERFORM PAST RELEVANT WORK?**

**If the condition is severe, but does not meet or equal a listing, a determination must be made as to whether the condition interferes with the person's ability to do work they did previous to the disabling impairment.**

**If a person can do the work they did previously, they are not disabled.**

**If a person cannot do the work they did previous to the disabling impairment, proceed to step 5.**

# **STEP 5: CAN THIS PERSON DO ANY TYPE OF WORK?**

**If the person cannot do the work they did in the past, can they adjust to other work?**

**Considering a person's medical condition, age, education, past work experience, and transferrable skills a determination is made as to a person's ability to do other work at the substantial gainful level that may be available in the national economy.**

**If a person can adjust to other work, there is no disability**

# TITLE II ONSET AND ENTITLEMENT

- **Onset is the date SSA determines disability begins.**
- **Entitlement is the date cash benefits begin (6th full month following onset).**
- **Title II benefits are paid the month following entitlement.**

# **TITLE XVI APPLICATION EFFECTIVE DATE**

**SSI benefits are not paid before the application effective date.**

**The SSI application effective date is the first day of the month following the later of the date the:**

- application is filed; or**
- individual becomes eligible for such benefits.**

**MORE INFORMATION AVAILABLE  
AT:**

**[www.kdheks.gov/hcf](http://www.kdheks.gov/hcf)**